

Executive Office of Public Safety and Security



Facial Recognition Annual Report

December 2023

Secretary Terrence M. Reidy

Executive Office of Public Safety and Security

Facial Recognition Searches Annual Report M.G.L. c. 6, § 220

On December 31, 2020, “*An Act Relative to Justice, Equity and Accountability in Law Enforcement in the Commonwealth*” (the Act), was signed into law. The Act created G.L. c. 6, § 220, which became effective on July 1, 2021, and imposes limitations and requirements on law enforcement agencies requesting or performing facial recognition searches and establishes reporting requirements for law enforcement agencies and the Executive Office of Public Safety and Security (EOPSS).

A “facial recognition search” is defined in the statute as “a computer search using facial recognition to attempt to identify an unidentified person by comparing an image containing the face of the unidentified person to a set of images of identified persons; provided, however, that a set of images shall not include moving images or video data.” G.L. c. 6, § 220(a). As of July 1, 2021, law enforcement agencies requesting or performing a facial recognition search may only do so via written request and only based on two newly established statutory justifications: court order or emergency. G.L. c. 6, § 220(b). This new requirement of a written request for limited purposes does not apply “to the department of state police when performing investigatory functions related to the issuance of identification documents by the registrar of motor vehicles.” G.L. c. 6, § 220(b).

Beginning July 1, 2021, law enforcement agencies were required to document certain information about facial recognition searches requested by law enforcement agencies, and report

that information to EOPSS on a quarterly basis. G.L. c. 6, § 220(c). The Act requires law enforcement agencies to provide the following information¹:

- (i) a copy of any written request made for a facial recognition search;
- (ii) the date and time of the request;
- (iii) the number of matches returned, if any;
- (iv) the database searched;
- (v) the name and position of the requesting individual and employing law enforcement agency;
- (vi) the reason for the request, including, but not limited to any underlying suspected crime;
- (vii) the entity to which the request was submitted; and
- (viii) data detailing the individual characteristics included in the facial recognition request.

The Act requires EOPSS to publish on its website annually the documentation provided to EOPSS on a quarterly basis by law enforcement agencies and the following information:

- (i) the total number of facial recognition search requests made by other law enforcement agencies to the department of state police, disaggregated by law enforcement agency;
- (ii) the total number of facial recognition searches performed by the department of state police, disaggregated by law enforcement agency on whose behalf the search was performed;
- (iii) the total number of facial recognition searches requested and performed by the state police;

¹Such documentation shall not be a public record. G.L. c. 6, § 220(c).

- (iv) the total number of facial recognition search requests made by the department of state police to the Federal Bureau of Investigation, disaggregated by law enforcement agency on whose behalf the requests were made; and
- (v) the total number of facial recognition searches performed by the Federal Bureau of Investigation on behalf of Massachusetts law enforcement agencies.

Quarterly Documentation and Information About Facial Recognition Searches Requested and Performed by Law Enforcement Agencies Between September 1, 2022, and October 1, 2023, Pursuant to G.L. c. 6, § 220(c) & (d).

The department of state police received a total of fourteen written requests to utilize facial recognition technology between September 1, 2022, and October 1, 2023. Of the fourteen requests, four were based on emergency circumstances whereas the other ten were pursuant to a court order. Photographs were submitted with all fourteen written requests received and the department's database, Issuance 360, was used to perform all the searches. Six of the searches yielded one potential match. The department of state police did not make any facial recognition requests of any type to the Federal Bureau of Investigation between September 2022 and October 2023.

Table 1 below includes the information required by G.L. c. 6, § 220(c) & (d) broken down by category.

Copy of Written Request	Request Date / Time	Matches Returned	Database Searched	Name/ Position/ Department	Reason/ Suspected Crime	Entity to Which Submitted	Data Detailing Individual Characteristics
Yes, court order	10.03.22 1322 hours	One potential	Issuance 360 (MSP)	Det. Sgt. Jason Fisher, Randolph PD	Threat to Kill	MSP	Photos were submitted with request
Yes, court order	11.08.22 0935 hours	0	Issuance 360 (MSP)	Det. Peter Dziadosz, Ipswich PD	Larceny	MSP	Photos were submitted with request
Yes, court order	11.27.22 0910 hours	0	Issuance 360 (MSP)	Sgt. Greg Gallagher, Lasell College PD	ABPO	MSP	Photos were submitted with request
Yes, emergency request	12.02.22 1930 hours	One potential	Issuance 360 (MSP)	Lt. John McGrath, Needham PD	Unresponsive Jogger	MSP	Photos were submitted with request
Yes, court order	12.20.22 1343 hours	0	Issuance 360 (MSP)	Sgt. Tim McDonagh, Norwood PD	Counterfeit Checks	MSP	Photos were submitted with request
Yes, court order	12.27.22 0805 hours	0	Issuance 360 (MSP)	Officer Paul Janson, Sturbridge PD	Bank Fraud	MSP	Photos were submitted with request
No, emergency request	01.20.23 1600 hours	One potential	Issuance 360 (MSP)	Trooper Connor Keefe, Norfolk SPDU	Unidentified and Unattended Death	MSP	Photos submitted with request
Yes, court order	04.10.23 1505 hours	0	Issuance 360 (MSP)	Officer Adam Osowski, Norwood PD	Larceny of a M/V and Identity Theft	MSP	Photos submitted with request
Yes, court order	04.19.23 0900 hours	One potential	Issuance 360 (MSP)	Officer Ian Taylor	Rape	MSP	Photos submitted with request
No, emergency request	06.14.23 1400 hours	One potential	Issuance 360 (MSP)	Detective Jennifer Hoyle, Norwood PD	Identity fraud, larceny by check	MSP	Photos submitted with request
No, emergency request	07.18.23 1900 hours	0	Issuance 360 (MSP)	Detective Sal Gennetti, Malden PD	Sexual Trafficking, Missing/ Endangered juvenile	MSP	Photos submitted with request
Yes, court order	08.02.23 1315 hours	One potential	Issuance 360 (MSP)	Lt. Dunn, Troop F Detectives	Larceny of Jewelry (\$75,000)	MSP	Photos submitted with request
Yes, court order	09.03.23 1900 hours	0	Issuance 360 (MSP)	Detective Dave Kornacki, Ludlow PD	ATM Skimming	MSP	Photos submitted with request
Yes, court order	09.18.23 1440 hours	0	Issuance 360 (MSP)	Detective Starzynski, Gardner PD	Check Fraud	MSP	Photos submitted with request

Table 1

